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REMARKS

This Response addresses the Office Action mailed on January 11, 2006. In this response Claims 5, 8, 9, 15, 19, 26, 28, 33, and 46 have been amended. Claims 2-5, 7-11, 14-17, 19, 21, and 23-48 are pending in the application.

Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected Claims 2-5, 7-11, 14-17, 19, 21, and 23-48 under 35 U.S.C. § 103(a) as being unpatentable over Llanos et al. (US 6,746,773). Applicants respectfully disagree.

The Examiner states that “Llanos discloses coating composition and method of coating medical composition with the coating composition where a first layer is top coated with a top coating layer; both layers contain polymer and drugs.” The Examiner further states that “it would have been obvious to one of ordinary skill in the art at the time of the invention was made to coat a medical device with a coating composition that contains drug and polymer top-coat the initial-layers with a composition that contains drug, polymer and gold as disclosed in Llanos.”

Claims 5, 8, 9, 15, 19, 26, 28, 33, and 46 recite the feature “wherein the light- and/or UV-protective compound has no or substantially no therapeutic effect.” Llano et al. disclose coatings having therapeutic and pharmaceutic agents such as “gold compounds (auranofin, aurothioglucose, gold sodium thiomalate).” (col. 9, lines 23-24). The gold compounds have therapeutic and pharmaceutic effects on the human body that treats rheumatoid arthritis. (www.medlineplus.gov) Metallic gold is an example of a material that does not have a therapeutic or pharmaceutic effect on the human body that treats a condition such as rheumatoid arthritis. Llanos et al. does not teach or suggest a coating including a light- and/or UV-protective

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having no or substantially no therapeutic effect. Thus, claims 5, 8, 9, 15, 19, 26, 28, 33, and 46 are patentably allowable over Llanos et al.

Claims 2, 3, 4, 7, 11, 25, 39, and 44 depend from claim 5 and are allowable for at least the same reason that claim 5 is allowable. Applicant respectfully requests removal of the rejection of claims 2, 3, 4, 5, 7, 11, 25, 39, and 44.

Claims 36, 40, and 41 depend from claim 8 and are allowable for at least the same reason that claim 8 is allowable. Applicant respectfully requests removal of the rejection of claims 8, 36, 40, and 41.

Claims 10, 14, and 31 depend from claim 9 and are allowable for at least the same reason that claim 9 is allowable. Applicant respectfully requests removal of the rejection of claims 9, 10, 14, and 31.

Claims 16, 17, 21, 23, 24, 27, 32, 42, and 45 depend from claim 15 and are allowable for at least the same reason that claim 15 is allowable. Applicant respectfully requests removal of the rejection of claims 15, 16, 17, 21, 23, 24, 27, 32, 42, and 45.

Claims 37, 38, and 43 depend from claim 19 and are allowable for at least the same reason that claim 19 is allowable. Applicant respectfully requests removal of the rejection of claims 19, 37, 38, and 43.

Claims 29 and 30 depend from claim 28 and are allowable for at least the same reason that claim 28 is allowable. Applicant respectfully requests removal of the rejection of claims 28, 29, and 30.

Claims 34 and 35 depend from claim 33 and are allowable for at least the same reason that claim 33 is allowable. Applicant respectfully requests removal of the rejection of claims 33, 34, and 35.

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Claims 47 and 48 depend from claim 46 and are allowable for at least the same reason that claim 46 is allowable. Applicant respectfully requests removal of the rejection of claims 46, 47, and 48.

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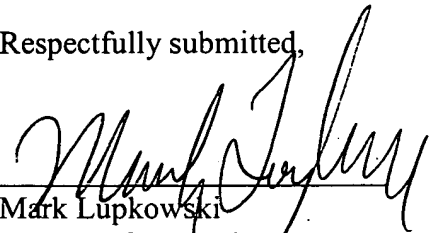
CONCLUSION

Claims 2-5, 7-11, 14-17, 19, 21, and 23-48 are pending in this application. Examination and allowance of the claims is respectfully requested. If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned at (415) 954-0297.

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Respectfully submitted,


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